

**UNITED STATES DISTRICT COURT**

## **EASTERN DISTRICT OF TEXAS**

SCOTT T. BEHLING,

Plaintiff,

*versus*

CIVIL ACTION NO. 1:22-CV-281

## THREE WARDEN STAFF,

## Defendants.

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Scott T. Behling, an inmate confined at the Stiles Unit in Beaumont, Texas, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying plaintiff's application to proceed *in forma pauperis*.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections are without merit. A review of plaintiff's financial statement reveals he has a balance of \$11,146.49 in his prisoner account. Therefore, as the magistrate judge determined, plaintiff has sufficient funds to pay the \$402.00 filing fee in this action. Plaintiff's objections of interference are speculative and fail to set forth a valid reason for not paying the filing fee in this action.

**O R D E R**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. It is

**ORDERED** that plaintiff's application to proceed *in forma pauperis* is **DENIED**. Plaintiff shall pay the filing fee of \$402.00 within thirty (30) days from the date of this order. Plaintiff's failure to comply with this order may result in the dismissal of this lawsuit pursuant to Federal Rule of Civil Procedure 41(b).

SIGNED at Beaumont, Texas, this 13th day of February, 2023.



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MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE